

NO COPY

Nicolai Mork

Name

see P.O. Box 5005Carson City, NV 89702-5005#1203101

Prison Number

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Nicolai Mork

Plaintiff

vs.

Perry Russel et allDr. Mike NaughtonKathy Henderson et all

Defendant(s).

Case No. 3:21-cv-00077
(Supplied by Clerk of Court)

**CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983**

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, Nicolai Mork,
(print plaintiff's name)
Stuart conservation Comp (sac), #1203101
who presently resides at P.O. Box 5005 Carson City, NV 89702-5005 were violated by

the actions of the below-named individuals that were directed against Plaintiff at

Stuart Conservation Camp/ Carson City, NV
(institution/city where violation occurred)

on the following dates:

3/21/20 - Present, 9/25/19 - present, and 1/21/2020 - present
(Claim 1) (Claim 2) (Claim 3)

Paid Amt \$ 400.00 Date 2/9/21
NVPND -
Receipt # 5158 Initials AB
~~*Partial payment*~~

**Make a copy of this page to provide the below
information if you are naming more than five (5) defendants**

- 2) Defendant Perry Russel resides at Northern Nevada Correctional Center and is
(full name of first defendant) (address of first defendant)
employed as Warden P.O. Box 7000 Carson City NV 89702
(defendant's position and title, if any) This defendant is sued in his/her
____ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: He was acting as warden at both
Stuart Conservation Camp and NVCC.
- 3) Defendant Dr. Mike Naughton resides at Stuart Conservation Camp and is
(full name of first defendant) (address of first defendant)
employed as Camp Doctor P.O. Box 5005 Carson City, NV 89702-5005
This defendant is sued in his/her
☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: He was acting as camp doctor at
Stuart Conservation Camp.
- 4) Defendant Kathy Henderson resides at Stuart Conservation Camp and is
(full name of first defendant) (address of first defendant)
employed as Camp Nurse P.O. Box 5005 Carson City, NV 89702-5005
This defendant is sued in his/her
____ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: She was acting as camp nurse at
Stuart Conservation Camp.

5) Defendant _____ resides at _____, and is employed as _____. This defendant is sued in his/her _____ individual _____ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: _____

6) Defendant _____ resides at _____, and is employed as _____. This defendant is sued in his/her _____ individual _____ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

8) Briefly state the background of your case.

While at Stuart Conservation camp, I have repeatedly sought help for three serious medical needs, ~~and~~ but have been met with deliberate indifference & medical malpractice. (1) In spite of numerous requests for dental care, describing my great & continual pain and ongoing damage to surrounding teeth, I'm still waiting for care 10 months later. (2) I had to see the doctor here for many months before he took the most basic steps to ensure a correct diagnosis of my drug poisoning rash. I've experienced extreme discomfort, pain, and disfigurement as a result. (3) Finally, I have Covid, due to the extreme negligence and indifference of the warden here.

C. CAUSE(S) OF ACTION

CLAIM 1

The following civil rights have been violated: Deliberate indifference to my serious medical needs under the 8th amendment's protections against cruel and unusual punishment.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

I first informed Kathy Henderson et al that I had a painful and apparently rotten tooth, which was turning black, on 03/21/20. Over the ensuing ten months, the condition has grown steadily worse, spreading to surrounding teeth and deepening into the roots. The pain overwhelms the OTC pain medications. I am sometimes able to obtain from the store ~~an over-the-counter~~ and is often extreme. I have sent six additional kites to Kathy Henderson et al, begging, pleading, and demanding to be seen. ~~and~~ I conveyed the worsening of my condition as well as the terrible pain I ~~am~~ ^{was then} experiencing. When I've gotten any response, it has typically been a sticker informing me that I will be seen in ~~the~~ order based on the date of my original request. I've repeatedly asked ~~Kathy Henderson~~ ^{Kathy Henderson} if there is anything I can do to be seen. She has informed me that there is no way for me to get help: she has no say; grievances won't help, etc. So I am in continually worsening pain from a deteriorating condition and the only responses to my begging for help are stickers. The warden, Russel, shares responsibility because ~~the system will likely present deliberate indifference as a matter of course.~~ →

His lack of concern for inmates' suffering led him to approve of a system where my urgent pleas for help would be denied by stickers. The delay in providing urgently needed care has been so long for me that it is probably more reasonable to consider it a denial of care. I have been waiting ten months and only have two months before I parole. In what universe is a 10+ month wait for help with an excruciating and deteriorating condition a reasonable standard of care or anything less than cruel and unusual punishment? ~~unreasonable~~ After repeatedly pleading for stronger pain medication to cope with the ever-worsening pain, I was categorically refused by Nurse Henderson: "narcotics are never given for dental pain."

CLAIM 2

The following civil rights have been violated: Deliberate indifference to my serious medical needs constituting cruel and unusual punishment under the eighth amendment and medical malpractice.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

I first informed Doctor Naughton of my rapidly spreading skin rash ~~in~~ in September of 2019. By the time he saw me, over a month later, the rash had spread from my arm to much of my upper body. He evinced extreme indifference and acted as though it were no big deal, saying "I've seen this a million times before; it's dermatitis from the laundry." Though I vehemently protested this diagnosis, since I'd been using the laundry for years, he was adamant. Over numerous additional meetings, ~~on~~ his laundry suggestions, oral steroids, and topical steroids failed to ~~to~~ produce any improvement, ~~and~~ I continued to be wildly itchy all the time. He continued to evince extreme indifference and even laziness, insisting on his default diagnosis for rashes, "laundry dermatitis." I began to insist I see a dermatologist. I was initially discouraged, then told outright that "no dermatologist will ever see you while you are an ~~an~~ inmate" (Naughton). ~~I~~ I continued to insist his diagnosis was wrong, so he brought in a dermatology textbook to show me. As it turned out, my^s rash looked nothing like



dermatitis. He now saw that I had a "drug poisoning rash." ~~After~~^{He} removing~~ed~~ me from all my medications without ~~any~~ progress, ^{his} ~~his~~^{momentary} concern for my health was exhausted. He said that if I continued trying to get help from him, he would have me moved to a high-security prison, where I still wouldn't be able to see a dermatologist. Moving from a minimum-security prison to a high-security prison involves a massive loss in freedom. Without the chance of finally getting competent medical care there, this was an expression of the ultimate, deliberate indifference, tantamount to "if you try to get more help for your condition, I will make your life hell." along the path leading up to this I had often felt he wasn't so much trying to treat me as to get me to give up. He gave wildly illogical possibilities like "a cotton allergy" (the onset of which in a forty-year old is so unlikely, I'm told ~~it~~ it would merit a journal article). When I told him my kidneys hurt, he tapped my shoulder blades etc. I still have terrible itching every day and appear likely to have permanent disfigurement of my skin due to Doctor Nourbani's deliberate indifference & malpractice.

CLAIM 3

The following civil rights have been violated: Deliberate indifference to a serious medical need violating the eighth amendment's protection against cruel and unusual punishment

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

In January of 2020, the Covid-19 pandemic began in America. Many months later, Perry Russel began to implement his response to the crisis, which was more like a parade of deliberate indifference to our serious medical needs (to be able to protect ourselves from a deadly illness). The entire camp of 350+ inmates was called into the tiny gymnasium and told to practice social distancing. The irony of this was emblematic of Perry Russel's entire response to the crisis. We asked for hand sanitizer, soap in bathrooms, and masks. It took Perry months to provide optional masks and we don't have hand sanitizer or bathroom soap today, more than a year after the pandemic began. The living arrangements involved six inmates in roughly a 15' x 20' space, so if anyone moved at all, there ~~was~~^{is} no way to maintain six feet of separation. Perry Russel was ^(and is) responsible for these conditions that flagrantly violated the CDC guidelines. His guards frequently didn't even wear masks when walking through our units. So it was no surprise to anyone that covid came to our camp, and I, like almost 100% of my fellow inmates, caught it. I lost my sense of taste and smell, had intense lower back pain, had a strange cough that still bothers me →

periodically, more than a month later, and had general weakness. I still don't feel fully like myself and have no way of knowing the long-term impact this disease, and Perry Russel's deliberate indifference to my need for a CDC-compliant environment, will have on my health and lifespan. Only ~~when~~ when almost 100% of us were ill, did the camp take any basic precautions against transmission, mandating masks and quarantining us by our five (incredibly overcrowded) units. By finally doing something when it no longer mattered, Perry Russel again showed his deliberate indifference to our serious medical needs. 100% of his efforts went into making things look good and 0% of his efforts went toward our safety. Now we are back to normal, with none of the CDC precautions being met, though it is not known how long our immunity will last, his policies have again caused serious medical harm to me.

- 9) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)

a) Defendants: _____

b) Name of court and docket number: _____

c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

d) Issues raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

- 10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: _____

b) Name of court and case number: _____

c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.

d) Issues raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
- b) Name of court and case number: _____
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

D. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

I believe I am
entitled to actual damages of \$3 million, punitive damages
of \$4.5 million and consequential damages of \$2
million, and also, treble damages if applicable and any
court fees/expenses. Finally, I expect the N.D.O.C.
to provide immediate access to an excellent dentist
and dermatologist to minimize my future suffering and
undo as much of the damage they have caused as possible.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(name of person who prepared or helped
prepare this complaint if not the plaintiff)

Nicolai Mork

(signature of plaintiff)

1-24-2021

(date)